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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Uyghur human rights continue to fall victim to state policy

Society for Threatened Peoples recognizes the importance and influence of the Human Rights Council and urges member states and participating organizations to respond to grave human rights concerns facing the Uyghur people today.

Uyghurs continue to suffer under a government that has made few efforts to alleviate the most significant sources of conflict in the Xinjiang Uyghur Autonomous Region (XUAR) of China. Religious practice has been severely limited, speech rights have been all but removed from acceptable exercise, freedom of movement continues to be restricted, and Uyghur culture is progressively diluted. Many of these practices have been severely sanctioned by the state and have resulted in the imprisonment of thousands – thousands left without adequate judicial safeguards imbedded within a system designed to suppress truth and the exercise of justice – along with hundreds seeking asylum outside the country.

Two significant areas of concern are highlighted:

Contentious counter-terror and anti-extremism policy eroding human rights protections

Recent counter-terror and anti-extremism legislation along with continued discriminatory regional policies have driven an even larger wedge between the ethnic Uyghur and Han, the two groups making up the most significant percentage of the population, and has spurred Uyghur flight. It is in the interest of the Uyghur people, the Chinese government and the international community to redouble its efforts to first recognize and understand the sources of instability and to then make determined efforts to resolve longstanding issues.

Measures ostensibly aimed at combatting terrorism in the region have laid waste to internationally recognized standards of human rights while countering terrorism. Counter-terrorism has subsequently emerged as a reliable justification for extrajudicial killings by police, mass arrests, arbitrary detention and the drafting of ever-more restrictive legislation in clear violation of not only China's international legal obligations, but its own Constitution, which affirms protections for freedom of speech, assembly, association, demonstration and religious belief.

There has been little or no indication thus far that Chinese authorities have remained respectful of these principles, instead relying on its own obstinacy as a guide. UN Security Council in Resolution 1456, which details the nature of counter-terrorism operations and stresses the importance of their adherence to internationally recognized human rights norms, has been altogether ignored. The justification of the use of force under the guise of a threat to security is certainly not a new one and has been well exploited by states particularly since the atrocious terrorist attacks of September 11, 2001.

Of concern is its dangerously vague definition of terrorism and terrorist activities, its conflation of religious activity with extremism, its drastic expansion of surveillance programs, and the suspension of due process for the designation of terrorist organizations. These measures filter into almost all aspects of Uyghurs' lives, including their freedom of movement and religious and cultural practices.

China's additional legislation targeting religious extremism, introduced in November and put into effect in January, 2015, serves to further limit the exercise of religious practice among Uyghurs. According to the new restrictions, children under the age of 18 are barred from attending religious services or from entering mosques for prayer. Likewise, public service employees remain barred from religious practice during working hours and were most recently prohibited from fasting during the holy month of Ramadan in July, as has been the case over the past decade. The wearing of traditional headscarves and other religious dress as well as men donning beards has also been restricted.

Imams and other religious leaders now require vetting by state officials to ensure that they are strictly teaching within the bounds of what the government tolerates. Surveillance of mosques and the thorough screening of materials produced by religious leaders is now commonplace. China's intention to publish an exhaustive list of approved places of worship as a means to "root out" illegal religious activities is also of particular concern. The new controls will effectively bar

communal prayer and likely other religious activities from all but these designated locations – clearly in contravention of international human rights law and the freedom to practice one's religion.

Consequently, we call on China and all UN member states to uphold and respect international law in relation to legitimate threats and for those parties exercising unsanctioned activities to consider their immediate implications.

The right of refugees and asylum seekers consistently disregarded

China's continued discriminatory policies have led to an ongoing refugee situation in South East Asia and elsewhere, with the Chinese government flouting international law and the 1951 Refugee Convention, to which it is a state party.

109 Uyghur refugees were returned to China from Thailand on July 8th, 2015, despite widespread condemnation from the international community. The refugees were part of a larger group that had been held in immigration detention facilities across in Bangkok since March, 2014.

Although it was reported that the Thai government subsequently sent a delegation to China to check on the state of the Uyghurs who were returned, thus far there has been no official confirmation regarding the fate of the group. Consequences of their repatriation are likely to include dubious criminal charges used as a pretext to justify harsh punishment upon their arrival in China. The Chinese government has repeatedly called such escapees criminals and all those who are to be returned will most certainly be treated in such a manner.

Uyghur refugees and asylum seekers have been forcibly deported from states with strong trade and diplomatic ties to China. In December 2009, 20 were returned to China from Cambodia, another 5 from Pakistan and 11 from Malaysia in August, 2011, and another six again from Malaysia in what Human Rights Watch called a "grave violation of international law". In addition, Kyrgyzstan, Laos, Burma, and Nepal have extradited Uyghurs to China and since 2001 at least 289 Uyghurs have been forcibly deported.

The act of forcibly repatriating refugees or asylum seekers is in clear infringement of well-established international law. The non-refoulement principle spelled out in the 1951 Refugee Convention requires that states do not allow for the forcible return of refugees or asylum-seekers to territories where their "life or freedom would be threatened on account of race, religion, nationality, member of a particular social group, or political opinion".

We therefore request that the parties concerned are held accountable for their actions and respond in kind in the context of the Human Rights Council.

At the heart of each of these issues is an unwillingness to understand or recognize root causes which continue to go unaddressed with the hope that the problem will resolve itself. Far from a reasonable approach, Chinese authorities maintain that instability should be met with unrestrained force targeting the Uyghur people. This will never serve as an appropriate response to violence and will only exacerbate an already perilous relationship between parties in the region and likely drive more towards violence. Violence begets violence, but it is crucial that we remember that peace begets peace, and understanding, understanding.

Society for Threatened Peoples calls on member and observer states at the Human Rights Council as well as international human rights organizations to recognize the situation for what it is – a genuine human rights problem for millions of Uyghurs living in Xinjiang – and exert pressure on the Chinese delegation to put on an end to the clear abuses.